

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 6, 9 and 20-22 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 remain pending in this application.

### Amendment to the Specification:

Applicant has amended the title of the present application to more clearly relate to embodiments of the present invention.

### Summary of Rejections:

Claims 1-17 and 19-22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Shah et al. (US 2006/0031768 A1, hereinafter “Shah”).

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shah in view of what was well known in the art.

### Discussion of claim Rejections:

The Examiner has maintained the rejection of claims 1-17 and 19-22 as allegedly being anticipated by Shah under 35 U.S.C. § 102(e) despite Applicant’s amendments to claims 1, 6, 9 and 20 in response to the Office Action dated December 28, 2007. In rejecting claims 1, 6, 9 and 20, the Examiner has relied on Shah, paragraph [0155], to assert that each virtual device includes the data of the respective corresponding physical device. See Office

Action dated June 4, 2008, Page 3. Applicant respectfully disagrees with the Examiner's interpretation of the disclosure of Shah as it relates to the pending claims.

In particular, the sections of Shah relied upon by the Examiner (Shah, paragraph [0155]) describe displaying information such as type of device, geographic location of the device, and calibration information, proximate to the device. In contrast, claim 1 of the present application recites each virtual device including the data of the respective corresponding physical device. In order to further clarify this feature, Applicant has further amended claim 1 to recite "each virtual device including the data stored within the respective corresponding physical device." Support for the amended portions of claim 1 may be found in the originally filed specification and drawings at, for example, paragraph [0032], which describes "the system 20 actually maintains a copy of the data of every device of the user in the network." Further support for the above-noted amendment may be found, for example, in paragraph [0042] of the specification, which describes:

"...new data on the physical device is uploaded to its corresponding virtual device in the Virtual Device Domain. The new data could be a phone number, an appointment, or any other data obtained by the physical device."

Therefore, the data stored within the physical device, in accordance with amended claim 1, is distinguishable from Shah's display of information regarding the device, such as the type of device, geographic location of the device, and calibration information. As such, Shah fails to teach or suggest at least the above-noted feature of claim 1, and accordingly, claim 1 is patentable.

Applicant has amended independent claims 6, 9 and 20 to recite a similar feature as claim 1. Accordingly, claims 6, 9 and 20 are patentable for similar reasons as noted above in connection with claim 1.

Further, Applicant arguments regarding patentability of claims 1, 6, 9 and 20 presented in response to the Office Actions dated April 3, 2007, June 21, 2007, and September 7, 2007, are still applicable to the Examiner's present rejections and the presently pending claims. Specifically, Applicant respectfully reiterates that even the most pertinent

sections of Shah are fundamentally different from the claims of the present invention in that they describe creating a “configuration diagram” that describes the relationships between the various nodes, connections or links (see, for example, Shah, paragraph [0147]). Further, there are no teachings or suggestions in Shah of “synchronizing the virtual device with one or more other virtual devices,” as is recited in the pending claims. In this regard, even the most pertinent sections of Shah describe “type checking” of the devices within the configuration diagram to ensure a first device icon can interface to a second device icon (see, for example, Shah, paragraph [0158]). There are no teachings or suggestions in Shah of synchronizing the virtual device with one or more virtual devices, as is recited in claims 1, 6, 9 and 20, and described, for example, in paragraphs [0005], [0037] or [0038] of the pending specification. Accordingly, claims 1, 6, 9 and 20 are also patentable for at least these additional reasons.

As to claims 2-5, 7-8, 10-17, 19 and 21-22, these claims depend, either directly or indirectly, from one of allowable claims 1, 6, 9, or 20 and are therefore patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole.

The Examiner has further rejected claim 18 under 35 U.S.C. § 103(a) for being allegedly unpatentable over Shah in view of what was well known in the art. Applicant respectfully disagrees with the Examiner, as claim 18 depends directly from allowable claim 9, and is therefore patentable for at least that reason, as well as for other patentable features when this claim is considered as a whole.

Applicant has further amended claim 1 to delete the word “automatically,” which was inadvertently not deleted in Applicant’s response to the Office Action dated September 7, 2007. Applicant believes that this term is not needed to patentably define claim 1 from the cited prior art. Applicant has further deleted certain language in the preambles of claims 1, 6, 9 and 20-22. This deletion is not made to overcome any prior art reference or for any other reason related to patentability. Further, this deletion does not affect the patentability of the pending claims.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: September 4, 2008

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6735  
Facsimile: (858) 792-6773

G. Peter Albert Jr.  
Attorney for Applicant  
Registration No. 37,268